

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

x★ JUN 29 2005 ★

ARRIEUS PALMER,

Plaintiff,

-against-

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION, NEW YORK CITY DEPARTMENT OF
CORRECTIONS, AMKC-C95 MEDICAL UNIT, DR.
AZMAT HASAN, and NURSE ROSALIE LEWIS,

Defendants.

**BROOKLYN OFFICE
STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

CV 03-5442 (NGG)(LB)

ARRIEUS PALMER,

Plaintiff,

-against-

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION, NEW YORK CITY DEPARTMENT OF
CORRECTIONS, AMKC-C95 MEDICAL UNIT, DR.
MANUKONDA, and NURSE MARIAMMA
ALEXANDER,

Defendants.

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

CV 03-6298 (NGG)(LB)
(CONSOLIDATED ACTIONS)

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WHEREAS, plaintiff commenced the action bearing docket number CV 03-5442 by filing a complaint on or about October 21, 2003, alleging that certain of his federal and state rights were violated, and commenced the action bearing docket number CV 03-6298, by filing a complaint on or about December 8, 2003, alleging that certain of his federal and state rights were violated; and

WHEREAS, by Order of the Honorable Lois Bloom dated March 5, 2004, these actions were consolidated for pre-trial purposes; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced actions are hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff ARRIEUS PALMER the sum of TWO HUNDRED FIFTY DOLLARS (\$250) in full satisfaction of all claims, including claims for costs, expenses, and attorney fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the named defendants, the New York City Department of Correction, New York City Health and Hospitals Corporation, "AMKC-C95 Medical Unit," Azmat Hasan, Rosalie Lewis, Vanaja Manukonda (sued herein as "Dr. Manukonda") and Mariamma Alexander with prejudice, and to release the defendants and any present or former employees or agents of the City of New York, the New York City Department of Correction, the New York City Health and Hospitals Corporation and Prison Health Services, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaints in these actions, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, the New York City Department of Correction, or Prison Health Services.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 15, 2005

Arrieus Palmer
Plaintiff, *pro se*
#04-A-1928
Franklin Correctional Facility
P. O. Box 10
Malone, New York 12953

By: Arrieus Palmer
Arrieus Palmer

MICHAEL A. CARDOZO
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City of New York
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By: Michael Chestnov
Michael Chestnov (MC 0443)
Assistant Corporation Counsel

SO ORDERED:

Nicholas G. Garaufis
Nicholas G. Garaufis, U.S.D.J.
June 20, 2005